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UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF CALIFORNIA

LETRINH HOANG, D.O., PHYSICIANS FOR
INFORMED CONSENT, a not-for profit
organization, and CHILDREN'S HEALTH
DEFENSE, CALIFORNIA CHAPTER, a
California Nonprofit Corporation,

Plaintiffs,

v.

ROB BONTA, in his official capacity as Attorney
General of California and,
ERIKA CALDERON, in her official capacity as
Executive Officer of the Osteopathic Medical
Board of California ("OMBC"),

Defendants.

Case No. 2:22-cv-02147-DAD-AC

**DECLARATION OF SHANNEN
POUSADA IN SUPPORT OF
PLAINTIFFS' MOTION FOR
PRELIMINARY INJUNCTION**

Date: January 17, 2023
Time: 1:30 PM
Courtroom: 5, 14th floor (via Zoom)
Judge: Hon: Dale A. Drozd

Action Commenced: December 1, 2022

I, Shannen Pousada, declare as follows:

1. I am a Licensed Vocational Nurse in California, and I am providing this declaration
from my personal experience.

1 2. I work per diem work locations for Kaiser Permanente in Walnut Creek, California. I
2 have worked for Kaiser for 29 years.

3 3. Throughout the pandemic, Kaiser has required COVID-19 vaccination for employees.
4 So I was COVID-19 vaccinated on 9/10/21.

5 4. Ten days after my 9/10/21 COVID-19 vaccination, I suffered a heart attack. Before the
6 COVID-19 vaccination I was in excellent health. As I will explain below, my physicians concluded
7 that other than my COVID-19 vaccination, there was no reasonable explanation for my heart attack. I
8 was (at the time) 50-years old and had no history (and no family history) of heart problems before
9 COVID-19 vaccination. The admitting hospital also reported my case to VAERS, as a likely vaccine
10 related injury.

11 5. After you suffer a heart attack following a COVID-19 vaccination, you go through
12 many physician appointments. You see specialists, many tests. It's a laborious process involving lots
13 of physician-patient interaction.

14 6. During my physician appointments, Kaiser physicians repeatedly told me that it was
15 wrong (misinformation) that the COVID-19 vaccine could cause my heart attack. Accordingly, my
16 physicians gave me lots of tests in their hopes of finding something else wrong with me (so they could
17 ascribe the heart attack to something other than my COVID-19 vaccine). Every test showed I was
18 otherwise healthy, save for this one heart attack 10-days post vaccination. Eventually my physicians
19 were forced to admit the misinformation - the COVID-19 vaccination was the likely cause of my heart
20 attack. The State of California, by contrast, never examined me but summarily disagreed with my
21 physicians' conclusion that the COVID-19 vaccine caused my heart attack (primarily because the
22 cardiologist could not find like cases to compare, as I personally observed doctors censoring vaccine
23 injury for fear of being labeled misinformation spreaders). Apparently, the State of California
24 considers my health experience to be misinformation.

25 7. If this had happened to me after AB 2098, during the months' long process of
26 appointments and tests and legal paperwork, it would have been *impossible* for me to receive a
27 diagnosis and for my employment claims to be processed. And I had major issues finding a physician
28

1 to sign my exemption, as I was in true fear of being vaccinated again for COVID-19. No physician in
2 California would sign.

3 **8.** My experience shows how AB 2098 will interfere with more than just garden-variety
4 patient appointments. AB 2098 disrupts legal processes such as workers' compensation claims.
5 Indeed, as a registered nurse, I observe many medico-legal issues where physicians must be free to
6 discuss COVID-19, such as medical exemptions required for employment (which is a form of
7 disability accommodation).

8 **9.** My experience also shows the legal predicament caused by AB 2098, even before it has
9 become law, in the employment law context. Kaiser is both my employer and my healthcare provider.
10 They originally tried to deny my COVID-19 vaccine likely caused my heart attack, but ultimately a
11 Kaiser MD admitted it. If AB 2098 had been the law, they would have been prohibited from engaging
12 in multiple legal processes: such as disability accommodation and legal claims processing. It is
13 obvious the conflicts of interest that are exacerbated by AB 2098 as my employer mandates a vaccine
14 they are not free to discuss, and then treats a vaccine injury they are not free to discuss, and then
15 processes employment claims they are not free to discuss. If AB 2098 is upheld, it will deny
16 procedural due process for employees/patients like me.

17 **10.** I am a member of the group Physicians for Informed Consent. I am providing this
18 declaration because I think it's the right thing to do. I never asked Kaiser for any money for my
19 vaccine injury. I just wanted them to continue covering my health insurance for my heart injury, which
20 I think is reasonable. As long as AB 2098 is the law, I don't know what to expect with my legal
21 claims process in the future, and because the vaccine is live in my system, I could have another heart
22 attack at any time. It's very scary, and unfair.

23 **11.** My experience shows that even before AB 2098, my Kaiser physicians were unwilling
24 to participate in reporting negative information about the COVID-19 vaccine. That they originally
25 denied the obvious causation of my heart attack is emblematic of how negative information is
26 suppressed for fear of increasing vaccine hesitancy. While there is a possibility my medical and legal
27 situation can improve in 2023, if AB 2098 is deemed constitutional, that possibility is significantly
28 diminished for me. And it would be even worse for people suffering COVID-19 vaccine injury in 2023

1 and beyond, because their physicians will not be willing to document their observation of so-called
2 “misinformation” necessary to resolution of legal claims.

3 I declare under penalty of perjury that the above information is true and correct.

4 Signed this 5TH day of December 2022.

5
6 
7 Shannen Pousada